

MCLE

**ATTENTION SUCCESSFUL BAR EXAMINEES!
IMPORTANT INFORMATION REGARDING
MINIMUM CONTINUING LEGAL EDUCATION**

Congratulations on passing the California bar examination. Once you are sworn in as an active member of The State Bar of California, you will be subject to the Minimum Continuing Legal Education (MCLE) requirement. Please read the following information carefully, so that you will know how to comply.

YOUR COMPLIANCE GROUP

Upon admission to the State Bar, you will be assigned permanently to one of three Compliance Groups based on the first letter of your last name. **You will always remain in your original Compliance Group ("Group"), even if you subsequently change your last name.**

Members of each Group report their compliance in a different year. Members of all three Groups are required to complete 25 hours of approved continuing legal education every 36 months.

COMPLIANCE GROUPS

The three different MCLE compliance groups are listed below along with the first relevant compliance periods for new admittees:

<u>COMPLIANCE GROUP</u>	<u>COMPLIANCE PERIOD</u>
Group 1 - A-G (1st letter of surname)	2/01/2010 - 1/31/ 2013
Group 2 - H-M "	2/01/2012 - 1/31/ 2015
Group 3 - N-Z "	2/01/2011 - 1/31/ 2014

REGULAR MCLE REQUIREMENT

TOTAL HOURS REQUIRED: **25 hours** required (incl. a maximum of 12.5 hours self-study)

SPECIAL REQUIREMENTS within total hours required (may be taken as participatory or self-study):

Legal Ethics - 4 hours
Prevention, Detection & Treatment of Substance Abuse or Mental Illness - 1 hour
Elimination of Bias in the Legal Profession - 1 hour

CALCULATING YOUR PROPORTIONAL MCLE REQUIREMENT

Please keep in mind that you will begin accruing a requirement starting **the first day of the calendar month in which you are admitted to the bar** (ie. the date you are sworn in, not the date you pass the bar examination). At that time, you join the appropriate compliance period already in progress (see box above).

Since your compliance period is already in progress, you do not have to comply with the entire requirement. Instead, you must complete a proportional MCLE requirement for your first compliance period. If there are four months or less remaining in your initial compliance period when you are admitted, you will not be required to comply with the education requirement for that period.

Please note that any MCLE hours earned above the amount required during a particular compliance period may not be carried over to the next period.

Determine the number of months remaining in your compliance period and consult the "[Proportional Requirement Table](#)" to calculate the number of total hours and legal ethics hours required. (Note that total hours listed include legal ethics hours.) Examples:

- If you are sworn in during the month of June 2012, and assigned to **Group 1 (A-G)**, there will be 8 months remaining in your initial compliance period, which ends January 31, 2013. As outlined in the table below, you will be required to complete 6 hours of approved education, of which 1 hour must be in legal ethics. Up to, but no more than, one-half of your total hours may be completed through self-study activities.
- If you are sworn in during the month of June 2012, and assigned to **Group 2 (H-M)**, there will be 32 months remaining in your initial compliance period, which ends January 31, 2015. As outlined in the table below, you will be required to complete 23 hours of approved education, of which 4 hours must be in legal ethics. Up to, but no more than, one-half of your total hours may be completed through self-study activities.
- If you are sworn in during the month of June 2012, and assigned to **Group 3 (N-Z)**, there will be 20 months remaining in your initial compliance period, which ends January 31, 2014. As outlined in the table below, you will be required to complete 14 hours of approved education, of which 3 hours must be in legal ethics. Up to, but no more than, one-half of your total hours may be completed through self-study activities.

All new admittees who join their Group with a compliance period already in progress are not required to complete the usual one hour of education relating to the "Prevention, Detection, and Treatment of Substance Abuse or Mental Illness", nor the one hour dealing with the "Elimination of Bias in the Legal Profession", for that initial compliance period.

Please note that new admittees may claim MCLE credit only for education activities completed on or after the first day of the month of their admission to the State Bar.

To determine the hours of your MCLE requirement, please click the link below and you will be directed to the online Proportional Requirement Table.

[**MCLE PROPORTIONAL REQUIREMENT TABLE**](#)

PARTICIPATORY VS. SELF-STUDY CREDIT

As mentioned, you must fulfill at least half of your MCLE requirement with "participatory" activities, while the remainder may be fulfilled with "self-study" activities. Participatory activities typically are thought of as "live" activities, but may also include online education and other mediums as long as an approved provider has identified them as such. To qualify for participatory credit, the approved provider must keep track of your attendance, in person or electronically. Essentially, your attendance at a participatory activity is verified by an approved provider while you alone verify your self-study activities.

For example, if an approved provider shows an approved DVD, and tracks your attendance, your viewing will be counted as participatory credit because the provider confirms your actual participation and issues the relevant certificate of attendance. However, if you watch the same approved DVD at home, your viewing will be counted as self-study because you alone verify your activity.

APPROVED EDUCATION ACTIVITIES

You may claim MCLE credit only for education that is "approved," regardless of whether the activity is participatory or self-study. An approved activity need not be held in California, but may be held in any location. There are 5 ways in which an activity can be approved:

1. The provider of the activity has been designated an approved provider by the State Bar of California;
2. The individual activity has been designated an approved activity by the State Bar of California;
3. You have been granted State Bar of California approval of an activity that has not been otherwise approved;
4. The California Board of Legal Specialization has approved the activity for certification/recertification credit; or
5. The activity is of a type described in the MCLE Rules, is held outside California, and is approved for CLE credit by a state on California's approved list (see "Approved Jurisdictions" at <http://mcle.calbar.ca.gov/Attorneys/EducationOptions/ApprovedJurisdictions.aspx>.)

LOCATING APPROVED EDUCATION

The most common ways to find approved education include contacting your local bar association, reviewing CLE promotional materials received by mail and in legal publications, performing searches through popular online search engines, and visiting the State Bar's website. To confirm whether or not an organization is certified to issue MCLE credit, refer to the list of approved providers on the State Bar's website.

EXEMPT STATUS

Four categories of active members of the State Bar are exempt from accruing an MCLE requirement. Three (full-time law school professors, officers and elected officials of California, and State of California employees) were included by the Legislature in Business and Professions Code section 6070. The fourth (federal employees) was included by the California Supreme Court in Rule of Court 9.31. No other groups are exempt from the MCLE requirement.

Even if you are exempt for the entire compliance period, you are still required to report compliance by claiming that exemption when your compliance group is due to report. Failure to do so constitutes noncompliance.

If you change your status from exempt to non-exempt, you will be required to complete a proportional requirement based on the number of months remaining in your compliance period. For example: You change to a job that does not confer exempt status, and have 16 months remaining in your compliance period. Using the chart on page 2, you are required to complete 12 hours of approved CLE activities, of which 2 hours must be in legal ethics.

MODIFICATION OF THE REQUIREMENT

With a demonstrated personal hardship, an individual may request a good cause modification of the MCLE requirement by completing the required application. For example, you may request a time extension and/or approval to earn all of your MCLE credits via self study. Please note that we strictly adhere to the requirement of good cause. Your showing of good cause must include specific facts about your circumstances, rather than general statements about your hardship.

Please be advised that past decisions indicate that it is unlikely that you would be granted an exemption if you are on active status. If you request a modification, you must propose a modification plan that would enable you to complete your MCLE requirement given your individual circumstances.

RECORDKEEPING REQUIREMENTS

Unlike many other states, California does not want you to report to the State Bar each time you attend a CLE activity. California will not maintain records of attendance for you. Instead, you are required to maintain your own records of attendance. **Except upon specific request, do not send us any evidence of your attendance at education activities.**

The provider of an approved activity is required to provide you with a record of attendance identifying time, date, location, subject matter and length of the education activity. You must retain these records as proof of attendance at the education activity. Please note that it is critically important for you to **sign in** at each approved participatory activity that you attend. The MCLE provider is allowed to include you on the official record of attendance at the activity **ONLY IF** your signature or other verifiable proof of attendance was obtained at the time of attendance at the activity.

In addition, you are required to maintain a record of self-study activities including, as appropriate, title, provider, time spent in the activity and the date on which you engaged in the activity.

As a back-up to your primary records, and to assist the State Bar in its audit of member compliance, providers must maintain an official record of attendees at education activities for at least four years after the completion date and must provide those records to the State Bar upon request.

HOW TO REPORT COMPLIANCE AND EXEMPT STATUS

Before the end of your compliance period you will receive a notice, usually with your December 1st fee statement, alerting you of your upcoming MCLE deadline. You will be required to report your compliance by going to www.calbar.ca.gov and logging in to “**My State Bar Profile**”, where you can submit an electronic attestation of compliance. If you’re a first-time user, you will need an Access Code to register. This one-time use Access Code will be printed in the top right-hand corner of your fee statement. (During your initial registration, you will select a personal password for future use.)

A randomly selected group of attorneys will be requested to provide the State Bar with evidence of their attendance at the required education activities. For participatory activities, this audit group will be asked to submit copies of the attendance records received from providers. The State Bar then will check the provider's attendance log to verify that audit group members actually attended the education activity. For self-study activities, members of the audit group will be asked to submit their self-study log. (Regarding the self-study log, see paragraph 3 under “Recordkeeping” above.)

Except upon specific request, do not notify the State Bar that you have attended an education activity. Except at the end of your compliance period when all active members are required to report compliance, or upon specific request, there is no need to notify the State Bar of your exempt status or of a change to exempt or non-exempt status.

All members of the State Bar of California on active status must comply with the MCLE requirement, regardless of whether they practice law in California. If you reside outside California and would like more information on how to comply, please visit the State Bar’s website at mcle.calbar.ca.gov. From the MCLE home page, go to the drop-down list under the “Attorneys” tab, select “Requirements”, and then “Out-of-State Residents”.

Questions?

For answers to frequently asked MCLE questions, please visit our website at

mcle.calbar.ca.gov

or contact the Member Services Center at

1-888-800-3400 or MCLE@calbar.ca.gov.